

Prepared by and return to: Moore & Alphin, PLLC, 3716 National Dr, Ste 100, Raleigh, NC 27612

STATE OF NORTH CAROLINA  
COUNTY OF JOHNSTON

**AMENDMENT TO DECLARATION OF  
EASEMENTS AND COVENANT TO SHARE COSTS  
FOR FLOWERS PLANTATION**

This Amendment to Declaration of Easements and Covenant to Share Costs for Flowers Plantation (this "Amendment") is made and entered into as of the date set forth in the notary acknowledgment on the following page, by Rebecca D. Flowers, an individual (formerly known as Rebecca Flowers Finch), hereinafter referred to as "Declarant", DWF Development, Inc., a North Carolina corporation ("DWF") and by Flowers Plantation Foundation, Inc., a North Carolina nonprofit corporation (the "Foundation"), with respect to whatever rights, if any, the Foundation may have as a Declarant or otherwise under the "Declaration" (as defined herein).

**WITNESSETH:**

WHEREAS, Declarant executed that certain Declaration of Easements and Covenant to Share Costs for Flowers Plantation which is recorded in Deed Book 1615, Page 609, et seq., Johnston County Registry, on July 11, 1997, as amended at: (a) Book 1657, Page 337, Johnston County Registry; (b) Book 2143, Page 106, Johnston County Registry; (c) Book 2169, Page 948, Johnston County Registry; and as otherwise amended and supplemented from time to time (collectively the "Declaration"); and

WHEREAS, Section 5.3 of the Declaration provides that the Declaration may be amended by Declarant "so long as Declarant owns any property described in Exhibit A or B" to the Declaration "unilaterally . . . for any purpose"; and

WHEREAS, Declarant currently owns property described in Exhibit B to the Declaration; and

WHEREAS, the Declarant now wishes to amend the Declaration to clarify the obligation of homebuilders with regard to their obligation to pay for the collective marketing of homes in Flowers Plantation;

NOW, THEREFORE, pursuant to the provisions of Section 5.3 of the Declaration, Declarant hereby amends the Declaration as follows:

1. In Article III, a new Section 3.5 is hereby added to the Declaration as follows:

3.5 Marketing Fee. Each owner of a residential Unit which does not contain a dwelling, by acceptance of a deed therefor, expressly agrees to and covenants to perform, whether or not such term is contained in the deed, that certain obligation for payment of a fee as hereinafter defined (the "Marketing Fee"). The Marketing Fee shall be in an amount determined by a separate agreement between that owner or its predecessor in interest and Declarant or her representative, based upon the cost of the real property herein conveyed and the dwelling to be constructed thereon. The Marketing Fee shall be payable to Flowers Plantation Information & Sales, LLC, and due and payable contemporaneously with the conveyance of the aforesaid Unit to a homeowner. This covenant shall run with the land and be binding upon each owner, its successors and assigns until such time as the real property is conveyed to a homeowner.

2. Pursuant to Section 5.3 of the Declaration, no member approval is required for this amendment to be effective.

3. Except as specifically amended herein, the Declaration shall remain and continue in full force and effect.

[signatures on following pages]

IN WITNESS WHEREOF, the undersigned Declarant, DWF and the Foundation have caused this instrument to be executed as of the day and year indicated in the acknowledgement block below.

DECLARANT:

Rebecca D. Flowers  
Rebecca D. Flowers, as individual

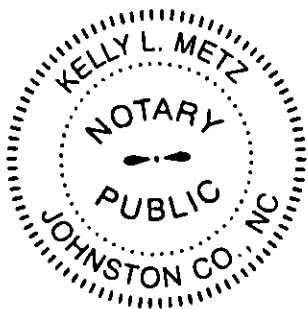
STATE OF NORTH CAROLINA

COUNTY OF Johnston

I, the undersigned notary public, in and for the County and State aforesaid, do hereby certify that Rebecca D. Flowers personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and notarial stamp or seal on this the 2 day of August, 2016.

Kelly Metz  
NOTARY PUBLIC

My commission expires: 4/11/21



**FOUNDATION:**

FLOWERS PLANTATION FOUNDATION, INC.,  
a North Carolina nonprofit corporation

By: Rebecca D. Flowers  
Rebecca D. Flowers, President

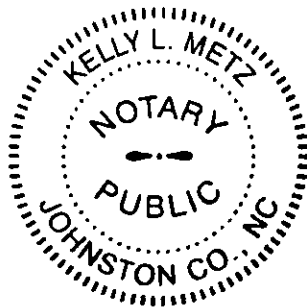
STATE OF NORTH CAROLINA

COUNTY OF Johnston

I, the undersigned notary public, in and for the County and State aforesaid, do hereby certify that Rebecca D. Flowers, President of Flowers Plantation Foundation, Inc, personally appeared before me this day and acknowledged the due execution of the foregoing instrument as an authorized act of and on behalf of the corporation. Witness my hand and notarial stamp or seal on this the 2 day of August, 2016.

Kelly L. Metz  
NOTARY PUBLIC

My commission expires: 4/11/21



**DWF:**

DWF DEVELOPMENT, INC.,  
a North Carolina corporation

By: Rebecca D. Flowers  
Rebecca D. Flowers, President

STATE OF NORTH CAROLINA

COUNTY OF Johnston

I, the undersigned notary public, in and for the County and State aforesaid, do hereby certify that Rebecca D. Flowers, President of DWF Development, Inc, personally appeared before me this day and acknowledged the due execution of the foregoing instrument as an authorized act of and on behalf of the corporation. Witness my hand and notarial stamp or seal on this the 2 day of August, 2016.

Kelly L. Metz  
NOTARY PUBLIC

My commission expires: 4/11/21

